

The Georgia State Board of Physical Therapy met on **October 18, 2005** at the Offices of the Professional Licensing Boards Division, 237 Coliseum Dr., Macon, GA for the purpose of conducting business.

Members Present:

- Charlene D. Portee, P.T., Vice President
- John L. Cowherd, Consumer Member
- Andy Ellis, P.T.
- Brad Freemyer, P.T. (left @ 12:30)
- Lola Rosenbaum, P.T.
- Patricia Willis, P.T.

Others Present:

- Anita O. Martin, Executive Director
- Jennifer Haskins, PLB Legal Services
- Joey Pearce, PLB Administration

Vice-President Portee established that a quorum was present, and called the meeting to order in Open Session at 9:00 A.M.

Dr. Femi Ajayi, Executive Director, Examination & Testing Section re:

Examination Information Discussed the process for examination development. Has 5 cases developed for the practical exam under development for the board. The exam section is in the process of developing a scoring mechanism for the practical exam. Ms. Jackson from the exam section will schedule a time for the PT board members and the SME's previously contacted for the development of this exam to meet concerning this examination.

Mr. Ellis made motioned, Ms. Rosenbaum seconded and the Board voted to have the law exam reviewed 2 times per year in February & August. Ms. Jackson will work with Ms. Eskew Capps & Mr. Freemyer on this review.

AGENDA

E-mail from Sandra Eskew Capps re: requiring endorsement applicants to take the jurisprudence exam prior to licensure.

- Ms. Willis motioned with Mr. Freemyer as a second and the Board voted to refer this matter to the board attorney for advice. See board rule 490-2-.09 below.

Request for a meeting/information re: Babies Can't Wait Program from the Speech Language/Pathology/Audiology Board.

- Board requests that an inquiry be made as to the purpose of the meeting. Once response is received, contact Ms. Willis & copy Mr. Freemyer.

E-Mail from Sandra Eskew Capps re: board members participating in teaching the ethics & jurisprudence courses.

- Mr. Ellis motioned, Ms. Willis seconded and the Board voted to develop a policy that board members cannot teach CCE courses. There was further discussion if there are issues with board members receiving compensation if teaching a course? Inquired as to what the Governors Code of Ethics states. Develop policy that restricts board members from addressing issues/questions/concerns that should be brought to the entire board. Issue was tabled until the Executive Director finds the answers and brings back to next board meeting.

Determine topics of discussion & make assignments for topics for the November 29th public meeting. The Board needs to make final determination about time for meeting. Meeting will be held @ 1:00. Issues to be discussed:

- Overview of purpose of board and consumer member role. Also provide Katrina Disaster info – John Cowherd
- Overview of 2005 rule changes – Give specifics re: re-exam rule - Lola Rosenbaum
- Overview of board policies – Charlene Portee
- Overview of cognizant & disciplinary duties/process – Andy Ellis
- Review of examination information – Brad Freemyer
- Continuing Competency & Babies Can't Wait – Patti Willis
- Proposed rule changes/rules under discussion – Sandy Eskew Capps

Discuss Service Learning

- Ms. Rosenbaum motioned, Mr. Cowherd seconded and the board voted that all service learning experiences must be under the requirement of 43-33-11 concerning supervision.

Review draft amendments to Board Rule 490-2-.09 Endorsement.

- Issue tabled – changes made and referred to the Board Attorney for advice concerning requiring an examination & bring back to board

Review draft amendments to Board Rule 490-2-.10 Volunteers in PT.

- Mr. Cowherd motioned, Ms. Willis seconded and the board voted to post rule 490-2-.10 as follows. Ms. Portee abstained from vote.

490-2-.10 Volunteers in Physical Therapy.

(1) The Board may issue volunteer licenses in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for physical therapy services, and when it has located a competent physical therapist to fulfill such need. In granting these volunteer licenses, the Board shall observe the following criteria:

(a) Need of the Community. A volunteer license shall be issued for the purpose of serving indigent patients in areas of this state in which there is inadequate personnel to supply physical therapy services. In determining what constitutes an inadequate supply of physical therapy personnel, the Board shall consider various factors, including the physical therapist – patient ratio in the area in question, the distance between patients and existing physical therapists, the maldistribution of particular types of specialty care, and any other factors which are indicative of an absence of adequate physical therapy services in or reasonably accessible to the area in question. Any group or groups of persons seeking to secure such a physical therapist for a community shall supply the Board with all information necessary for it to make a determination as to the existence of all the foregoing factors.

(b) Qualification of the Physical Therapist.

1. The physical therapist must submit an application for a volunteer license to the Board and must be retired from the practice of physical therapy and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full licensure in good standing in physical therapy in this state;

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the Board.

3. The applicant may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

4. If the applicant is not in compliance with the continuing competency requirements established by the Board at the time application is made for the volunteer license, the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license. During the period of time the licensee maintains such license, the licensee must comply with the continuing competency requirements established by the Board;

5. There shall be no application or licensing fee for initial issuance of a volunteer license;

6. Volunteer licenses shall expire at the close of December 31 in all odd-numbered years, and shall be administratively revoked for failure to renew on January 1 of the following even-numbered year. Fees for license renewal shall be assessed as shown on the schedule of fees adopted by the board. Licenses which have been administratively lapsed shall be reinstated only at the discretion of the board;

7. Any other provisions of Chapter 33, Title 43 of the Official Code of Georgia Annotated not inconsistent with the intent and purpose of the provisional license statute shall be fully applicable to all licensed physical therapist.

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

Review draft amendments to Board Rule 490-4-.02 Continuing Competence Requirements.

- Issue tabled – changes made and referred back to the committee for further work.

Review information/draft of new rule re: Preventative Services

- Mr. Freemyer motioned, Mr. Cowherd seconded and the Board voted to post the following new rule:

490-10-.01 Preventative Services

A licensed physical therapist or a licensed physical therapist assistant under the supervision of an appropriately licensed physical therapist may perform Preventative services that are not considered “implementing a program of physical therapy treatment without consultation.” For purposes of this rule, “Preventative services” is defined as the use of physical therapy knowledge and skills by a physical therapist or physical therapist assistant to provide education or activities in a wellness or community setting for the purpose of injury prevention, reduction of stress and or the promotion of fitness, but does not include administration of physical therapy treatment.

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General’s office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Physical Therapy.

Consider for approval minutes from August 16th meeting

- Mr. Cowherd motioned, Mr. Ellis seconded and the board voted to approve the minutes as amended.

Consider for approval minutes from September 15th conference call meeting.

- Ms. Willis motioned, Mr. Freemyer seconded and the board voted to approve the minutes.

Review letter from Stuart Fife re: supervision of trainee. –

- Board requested that Mr. Fife be notified and provided clarification as to the traineeship permit & refer him to 43-33-17 & 490-2-.04.

Discuss any possible legislative actions for 2006 Legislative session.

- Board has previously contacted Senator Ross Tolleson to ask change to statute to establish a limit as to the number of times an applicant may sit for the National Board Examination.
- PTAG may be lobbying for Direct Access
- Monitor Massage Law
- Monitor any changes to the Babies Can’t Wait program

Consider Petition for Variance or Waiver for J.C.P.

- Mr. Rosenbaum motioned, Mr. Cowherd seconded and the Board voted to deny the petition.

Review letter from T.R. McManus re: EMG training.

- Board requested that Mr. McManus be notified that the board does not maintain a list of or recommend EMG training programs.

Ratify newly issued licenses

- Approved – Please see attachment #1

Review request for clarification on continuing competency from Heath G. Black.

- Board requested that Mr. Black be notified and referred to Board Rule 490-4-.02.

Other Business

- The Board requested that the matter of developing a content outline for the laws & rules CCE course be referred to the Continuing Competency Committee.
- **Request from Stefanie Palma** – The Board requested that the suggestions be incorporated into Board Rules 490-9-.02 & 490-9-.03 and bring back to the board for consideration.
- **Request from Carter Schodeleayer re: Tom Boers.** Requested that board make a statement as to whether or not Mr. Boers practice fell within the scope of practice as a physical therapist.
 - Board requested that the file from the Chiropractic Board be provided to the board for review.
 - Board requested that a PT board member be allowed to attend the Mr. Boer's investigative interview.
- Mr. Ellis made a motion, Mr. Cowherd seconded and the Board voted to enter into **Executive Session** in accordance with O.C.G.A §43-1-19(h)(2) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Portee, Ms. Rosenbaum & Ms Willis. The Board concluded **Executive Session** in order to vote on these matters and continue with the public session.

Applications Report

Variance/Waiver request from PT applicant Vinod Kumar.

- Mr. Cowherd made a motion to **deny** – motion was seconded by Mr. Ellis. The Board voted to deny the waiver request and notify the applicant that the FCCPT credentials evaluation is required.

Variance/Waiver request from PT reinstatement applicant Adam M. Sheppard

- Mr. Freemyer made a motion - the motion was seconded by Ms. Rosenbaum and the board voted to deny and to notify Mr. Sheppard that continuing competency courses are required for the board to assure safe practice.

Renewal consideration for PT, T.C.E.

- Ms. Willis motioned and Mr. Cowherd seconded and the board voted to **renew** this license with a letter of concern.

Request approval for 3rd examination attempt for PT applicant S.M.

- Ms. Rosenbaum made a motion, Ms. Willis seconded and the Board voted to **approve** upon receipt of documentation of completion of the program.

Request approval for 3rd examination attempt for PT applicant C.S.

- Mr. Freemyer motioned, Ms. Rosenbaum seconded and the Board voted to **notify** C.S. that per board rule 490-3-.02 information on programs must be submitted to the board for review.

Request approval for 4th examination attempt for PT applicant R.K.E.

- Mr. Ellis made a motion and Ms. Willis seconded and the Board voted to **notify** R.K.E. that he/she must provide documentation of completion of the exam prep course after 10/18/05 and that as previously notified, the course must to be pre-approved.

Request approval for licensure for PT Endorsement applicant J.F.K.S.

- Ms. Willis made a motion. Mr. Freemyer seconded and the Board voted to deny. The board also requested that the applicant be notified that they must have the FCCPT evaluation.

Variance/Waiver request for renewal consideration from PT. Eric Ingram.

- Ms. Rosenbaum motioned; Mr. Cowherd seconded and the board voted to **deny** the request and to notify Mr. Ingram that continuing competency courses are required for the board to assure safe practice.

Variance/Waiver request for renewal applicant from PT, Therese C. Scannell

- Mr. Freemyer made a motion and Ms. Rosenbaum seconded and the board voted to **deny** and to notify Ms. Scannell that continuing competency courses are required for the board to assure safe practice.

Review PT reinstatement application for J.D.M.

- Mr. Cowherd motioned; Mr. Ellis seconded and the board voted to **approve**.

Review PTA application and request from N.P.N.-C.

- Tabled – Need information from the NY State Board as to what type of examination was required for registration? What was content of examination?

Review PTA application and request from M.A.C.

- Tabled – Need information from the NY State Board as to what type of examination was required for licensure? What was content of examination?

Review PT reinstatement application for C.F.

- Ms. Willis motioned and Mr. Freemyer seconded and the Board voted to **approve** upon receipt of 1000 hours supervised training documented with a favorable evaluation from the supervisor.

Review results from O.M.P.E. for PTA applicant E.T.C.

- Ms. Rosenbaum made a motion and Ms. Willis seconded and the Board voted to **approve** the license under a public consent order – 2 years probation. During probation – submit quarterly reports from licensee and employer.

Renewal application for C.H.H.

- Mr. Ellis made a motion and Ms. Willis seconded and the Board voted that after review of a GCIC; if the only infractions were those listed in explanation from C.H.H. – ok to renew. If other actions listed bring back to the board.

Board Attorney Report, Tricia Downing

Ms. Downing presented an update on the case on P.T. – Ms. Willis motioned and Mr. Ellis seconded and the Board voted to allow for an amended consent order – reduce fine to \$150 and must sign order within 30 days of receipt. If no signature – file a Notice of Hearing.

Mr. Cowherd made a motion and Mr. Ellis seconded and the board voted to **accept** consent order for Karen Feder.

Cognizant Reports, Andy Ellis & Lola Rosenbaum – Mr. Freemyer made a motion; Ms. Willis seconded and the Board voted to approve the following recommendations regarding cases reported by the cognizant board member.

Lola Rosenbaum

PT030045 – Closed

PT050048 – Closed with letter of concern

PT040032 – Further investigation pending.

Executive Director Report, Anita Martin

- Ms. Rosenbaum made a motion to approve the CE programs submitted by W.C. to meet conditions of consent order. Mr. Cowherd seconded and the board voted to **approve**.

There being no further business to come before the Board, the meeting was adjourned at 5:00 P.M.

Minutes prepared by: Anita O. Martin, Executive Director